



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

JRE  
Docket No: 1545-99  
28 August 2000

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: FORMER [REDACTED]  
REVIEW OF NAVAL RECORD

Ref: (a) 10 U.S.C. 1552

Encl: (1) DD Form 149  
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that naval record be corrected to show that she was retired by reason of physical disability.

2. The Board, consisting of Ms. Moidel and Messrs. Ensley and Schultz, reviewed Petitioner's allegations of error and injustice on 20 July 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Enclosure (1) was filed in a timely manner.

c. Petitioner was evaluated by a medical board on 24 July 1997, and given diagnoses of bipolar II disorder, depressed, moderate; and borderline personality disorder. The bipolar disorder was manifested by a history of recurrent major depressive episodes characterized by a depressed mood, decreased appetite with weight loss, insomnia, anhedonia, fatigue, impaired concentration and suicidal ideation, as well as hypomanic episodes characterized by elevated and irritable mood, decreased need for sleep, distractibility, and excessive involvement in pleasurable activities which were uncharacteristic for her. Impairment for military service was assessed as "severe". Impairment of her civilian industrial capacity was thought to be moderate. On 19 September 1997, the Physical Evaluation Board (PEB) made

preliminary findings that Petitioner was unfit for duty because of the bipolar disorder, which it rated at 10%. Petitioner accepted the findings of the PEB on 23 September 1997, and she was discharged with entitlement to disability severance pay on 20 November 1997. She completed 17 years, 10 months and 8 days of active service. On 8 January 1999, the Department of Veterans Affairs (VA) awarded Petitioner a 50% rating for bipolar disorder and post traumatic stress disorder, effective from 21 November 1997, the day following her discharge from the Navy. She also was given a 10% rating for migraine headaches, and 0% ratings for several other conditions. On 14 February 2000, the rating for the bipolar disorder was increased to 70%, effective from 21 November 1997, and she was declared unemployable as of that date.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that although at the time of Petitioner's discharge, her mental disorder did not meet the criteria for a rating of 50 or 70%, as determined by the VA on 8 January 1999 and 14 February 2000, respectively, it was more disabling than indicated by the 10% rating assigned by the PEB. Accordingly, the Board finds the existence of an injustice warranting the following corrective action.

#### RECOMMENDATION:

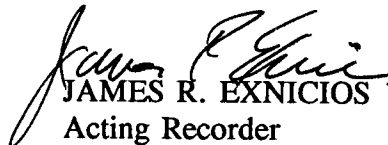
a. That Petitioner's naval record be corrected to show that she was not discharged from the Navy on 20 November 1997.

b. That Petitioner's naval record be further corrected to show that she was released from active duty on 20 November 1997, and that she was permanently retired the following day, pursuant to 10 U.S. Code 1201, with a 30% rating under VA code 9432, for bipolar II disorder, depressed, moderate.


c. That a copy of this Report of Proceedings be filed in Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder

  
JAMES R. EXNICIOS  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

  
W. DEAN PFEIFFER  
Executive Director